

Testimony of Eric W. Gjede  
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Before the Committee on Labor and Public Employees  
Hartford, CT  
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**Testifying in opposition to SB 106 An Act Concerning Retaliation Against Immigrant Workers**

Good afternoon Senator Gomes, Representative Tercyak, Senator Hwang, Representative Rutigliano and members of the Labor and Public Employees Committee. My name is Eric Gjede and I am assistant counsel at the Connecticut Business and Industry Association (CBIA), which represents more than 10,000 large and small companies throughout the state of Connecticut.

CBIA opposes SB 106.

This bill creates a presumption that any immigration-related practice engaged in by an employer within 90 days of an employee exercising virtually any right under title 31 was in retaliation for the employee exercising that right. The penalties for this presumed retaliation are severe – including fines, the suspension of business licenses, and other relief the labor commissioner deems appropriate. SB 106 creates a scheme whereby a business is guilty of retaliation until they prove themselves innocent. When presumptions like this are written into law, it creates a risk that businesses could be forced to expend considerable financial resources defending meritless claims.

CBIA also opposes this bill because it is preempted by the federal Immigration Reform and Control Act of 1986 (IRCA). The IRCA prohibits job discrimination based on citizenship or immigration status, intimidation against those who exercise rights under the IRCA, and requiring documents beyond what federal law permits for the purposes of employment eligibility verification. The IRCA is a comprehensive law that regulates every aspect of immigrant employment, and typically, the states may not regulate an area already occupied by federal law. SB 106 creates new state sanctions against employers that violate sections of the IRCA. When the Supreme Court ruled on Arizona's immigration enforcement law in 2012, it found that it was preempted because "permitting the state to impose its own penalties for the federal offenses here would conflict with the careful framework Congress adopted". *Arizona v. United States*, 132 S.Ct. 2492, 2502 (2012).

Additionally, the discrimination and retaliation protections SB 106 seeks to provide can already be found in existing law. Title VII of the Civil Rights Act and the Connecticut Fair Employment Practices Act prohibit discrimination and retaliation based on race, national origin and ancestry. Thus, there are already remedies available in existing law for the practices SB 106 seeks to sanction.

We urge the committee to take no action on SB 106.